

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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E. JAMES WALKER, JR., et al.,

Plaintiffs,

-against-

H.B. TECH ELEVATOR AND ESCALATOR, INC.,

Defendant.

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ORDER

03-CV-1686 (NGG) (VPP)

GARAUFIS, District Judge.

On March 20, 2006, Magistrate Judge Viktor V. Pohorelsky issued a Report and Recommendation (“R&R”) in the above-captioned action recommending that judgment be awarded to the plaintiffs in this matter as against the defaulting defendant as follows: a total of \$62,676.85 in unpaid ERISA contributions for the time period of September 2001 through November 2002; and a total of \$3, 767.75 in attorney’s fees and costs. No objections to the R&R have been timely filed.

In reviewing an R&R, this court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept a Magistrate Judge’s R&R where no timely objection has been made, the “court need only satisfy itself that there is no clear error on the face of the record.” Urena v. New York, 160 F. Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)); see also Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991) (court may accept report if it is “not facially erroneous”).

Judge Pohorelsky's R&R is comprehensive and well-reasoned. The court finds no clear error on the face of the record and therefore adopts the R&R for the reasons stated therein. The Clerk of the court is directed to enter judgment as set forth by Magistrate Judge Pohorelsky and as detailed above. The Clerk of the Court is further directed to close this case and to mail a copy of this decision to the defendant at its last known mailing address.

SO ORDERED.

Dated: May 4, 2006
Brooklyn, N.Y.

_____/s/_____
Nicholas G. Garaufis
United States District Judge